
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Case No: Pending

Plaintiff:

BOXUN LIU
550 W 54th St, Apt 727
New York, NY 10019
E-mail: boxunusa@yahoo.com
Tel: 646-344-2869
Healthfirst, Inc. Member Number: 135900379

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Defendant:

Healthfirst, Inc.
CEO: Pat Wang
100 Church Street
New York, NY 10007
Email: PressInquiries@healthfirst.org

COMPLAINT

Jurisdiction and Venue:

Plaintiff resides in New York City, New York.

Defendant is registered and conducts business in New York City, New York.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1367 (supplemental jurisdiction).

Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to this claim occurred in this district.

Claims for Relief:

Count I: False Advertising under the Lanham Act (15 U.S.C. § 1125(a))

Defendant made false and misleading representations in their advertising and promotional materials regarding their insurance

Plaintiff relied on these representations to his detriment, resulting in financial and emotional harm.

Count II: Violation of the Federal Trade Commission Act (15 U.S.C. § 45)

Defendant engaged in deceptive advertising practices in violation of the FTC Act.

These practices caused significant harm to the Plaintiff.

Facts:

1. In April 2023, a representative from Healthfirst, Inc., Mr. Lian (Tel: 646-745-0384), contacted Plaintiff and persuaded him to join their "one-stop service" plan, which included both Medicaid and Medicare coverage.
2. The representative assured Plaintiff that dental implants would be fully covered without the need for prior approval.

Based on these assurances, Plaintiff enrolled in the plan.

3. On December 28, 2023, Plaintiff experienced severe tooth pain and visited his dentist, Dr. Charlie Chen, who recommended dental implants. Plaintiff informed Dr. Chen about the insurance company's promise that implants did not require prior approval. Due to Plaintiff's severe pain, Dr. Chen extracted the problematic tooth and subsequently submitted the implant request.
4. Healthfirst, Inc. denied the implant request.
5. In early January 2024, Plaintiff received a letter from Healthfirst, Inc. stating that significant changes to dental coverage would take effect on January 31, 2024. The letter indicated that under the new plan, dental crowns and root canal treatments would be covered under certain conditions, and that dentures and implants would only require the Plaintiff's dentist's recommendation to determine necessity.
6. This led Plaintiff's dentist to submit another implant request on June 13, 2024, which was also denied.

7. As a result of Healthfirst, Inc.'s misleading practices, Plaintiff lost two molars on the right side, effectively losing the chewing function on that side, which has significantly impacted his health. The concerns about his health and dissatisfaction with Healthfirst, Inc. have caused Plaintiff to suffer from insomnia and lose interest in life.

Prayer for Relief:

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Award damages in the amount of \$5,000 for the cost of two dental implants.
2. Award \$2,700 for emotional distress.
3. Order Healthfirst, Inc. to cease false advertising practices and issue an apology to all affected members.
4. Award Plaintiff the costs of this action.

Respectfully submitted,

Plaintiff:

Boxun Liu

Boxun Liu

Date: August 3, 2024

Attach Documents:

1. Document No.1: Denture replacement and dental implants require only the patient's dentist's advice
2. Document No.2: January 14, 2024, Plaintiff's appeal letter
3. Document No.3: June 13, 2024. Notice of Coverage Denial Decision
4. Document No.4: June 25, 2024. The plaintiff's appeal letter
5. Document No.5: Analysis of false advertising behavior and liability

Dear Sir or Madam,

I am a low-income individual with health issues seeking free legal aid. I have come here today for assistance. Could you please direct me to the appropriate office for help? My English is not very good, so it would be helpful if there is a Chinese-speaking lawyer available. If not, an English-speaking lawyer is also fine.

Thank you for your guidance

徐明中



Document No. 1

2023 年 12 月

親愛的第一保健會員：

您的牙科服務即將出現一些重要變更。

CompleteCare (HMO D-SNP)

2024 年 1 月 31 日起，第一保健惠康護理計劃（管理式保健計劃—雙重資格特殊需要計劃）將在某些情況承保牙冠和根管治療，讓您能夠保有更多原齒。Gap

此外，更換假牙和植牙將僅需您的牙醫建議來認定是否必要。這會使您更輕鬆取得這些牙科服務。

我們已更新您的會員手冊以增添這些福利。我們的網站 zh.healthfirst.org/forms-and-documents 提供已更新的會員手冊。

第一保健惠康護理計劃在此為您提供服務。如需下列協助，請致電會員服務部，電話號碼是 **1-800-508-2047**（聽力語言殘障服務專線 TTY 1-800-466-7566），服務時間週一至週五，東部時間上午 8 時至晚上 8 時：

- 對本資訊有任何疑問；
- 無法在網上查看此項更新；或者
- 希望將此最新資訊郵寄給您

866-237-0997

(202400626469)
通話號碼

646-344-2869
(87233369)

Document No. 2

Appeal letter

1/14/2024

Dear Healthfirst Insurance Company:

I was previously insured with UnitedHealthcare. In April of last year, a Healthfirst insurance agent, Mr. Li (phone number: 646-745-0384), called me to persuade me to join your so-called one-stop service (i.e., Medicaid and Medicare are both added to your insurance company). He specifically mentioned that participating in this plan would cover all dental implants and that there would be no need to apply. Because I thought I would definitely need dental implants when I was older, I agreed to add Medicaid and Medicare to your insurance.

On December 28, 2023, I went to see a doctor with unbearable toothache. The doctor suggested applying for dental implants. I said that I had joined the one-stop service and that the insurance company had promised that there would be no need to apply. Because I had unbearable toothache, the doctor followed my request to extract the aching tooth and submitted an application for dental implants.

Yesterday, I received your insurance coverage decision notice, which rejected my dental implant application. Now, I am appealing for the following reasons:

I was promised that your insurance would cover all dental implants without the need to apply. Therefore, I only asked the doctor to extract the aching tooth. Now, the right side of the tooth with important functions is gone. You need to consider my health.

You have a responsibility to keep your promises. Your company's name is Healthfirst, and I believe that your mission is also to put health first. Otherwise, your actions will not be in line with your company name.

Given that this is a matter of Healthfirst's integrity, if you do not believe my statement and cannot approve this application, please forward it to the relevant department responsible for handling such complaints or directly to Healthfirst's President and CEO Pat Wang. I believe she will investigate the matter and is capable of ensuring that this matter is handled fairly in accordance with company policy and procedures.

Thank you for taking the time to handle this matter.

Sincerely,

Appellant: Boxun Liu TEL: 646-344-2869

Address: 550 W 54 St Apt 727 NEW YORK, NY 10019

Register a member ID number: 135900379

Date of birth: 11/25/1947

Services involved in the appeal: D6056, D6068,D6010.

E-Mail: liuboxunjp@yahoo.co.jp



Document No. 3

第一保健惠康護理計劃（管理式保健計劃－雙重資格特殊需要計劃）
承保裁定通知

代表第一保健惠康護理計劃（管理式保健計劃－雙重資格特殊需要計劃）的 DentaQuest 已拒絕您的

- D6010 植牙植入 牙 4 和 5

姓名：**BOXUN LIU**

日期：**June 13, 2024**

註冊會員號碼：**135900379**

承保類別：**NY HF Medicare Complete Care**

服務：**D6010 植牙植入 牙 4 和 5**

服務日期：**N/A**

計劃參考號碼：**202415251251600**

您的服務已被予以拒絕，您可以對此裁定提出上訴。

我們已拒絕下列服務：

- D6010 植牙植入 牙 4 和 5

此項決定將於 **June 13, 2024** 生效。

請注意：您不會因為此項服務收到賬單或欠任何款項。

如果您不同意此項裁定，請繼續閱讀本通知，瞭解您能怎麼做。您有權對此項裁定提出上訴。

誰拒絕了您的服務？

您的服務被代表第一保健的 DentaQuest 予以拒絕。

為甚麼您的服務被拒絕？

上列服務被拒絕的原因是：

用於支持這項決定的 DentaQuest 指導原則或政策是：

此拒絕原因适用于此服务：

- D6010 植牙植入 牙 4 和 5

您可以對此項決定提出上訴。

3

3



Document No. 4

上诉信

尊敬的健康第一保险公司：

申诉人：BOXUN LIU，

注册会员 ID 编号：135900379

地址：550 W 54TH ST APT 727 NEW YORK, NY 10019

出生日期：1947 年 11 月 25 号

手机号码：646—344—2869

请求服务：D6010 植牙植入牙 4，牙 5

请求日期：5 月 31 号 2024 年

上诉日期：6 月 25 日 2024 年

上诉理由

我之前曾在 United Healthcare 投保。去年 4 月，Healthfirst 保险代理人：连先生（电话：646-745-0384）给我打电话，劝我加入你们所谓的“一条龙服务计划”即现在的“惠康护理计划（管理式保健计划双重资格特殊需要计划）”。他特别提到，参加这个计划将涵盖所有种植牙，无需申请。所以我同意将 Medicaid 和 Medicare 添加到您的保险中。

2023 年 12 月 28 日，我牙痛难忍去看医生。医生建议申请种植牙。我说我加入了“一条龙服务计划”，保险公司也承诺不用申请。由于我牙痛难忍，医生按照我的要求拔掉了疼痛的牙齿，并提交了种植牙申请。结果遭到了你们的拒绝。

最近我收到的贵公司的两封信件，其中内容支持我的上诉理由：

1，第一保健惠康护理计划（管理式保健计划—双重资格特殊需要计划）从 2024 年 1 月 31 号起，

更换假牙和植牙将仅需你的牙医建议来认定是否必要。

（附影印件：编号 1）

2，2024 年 6 月 13 号，你的承保裁定通知也清楚地写明，我的计划是惠康护理计划（管理式保健计划—双重资格特殊需要计划）。

（附影印件：编号 2）

3，另一封来信同样确认我加入了第一保健惠康护理计划（Complete care Program）。

（附影印件：编号 3）

4，你们向我承诺，您的保险将涵盖所有种植牙，无需申请。所以，我要求医生把疼痛的牙齿拔掉。现在，具有重要功能的右侧牙齿已经消失了。，你需要考虑我的健康。

基于上述事实，我要求对拒绝决定进行复审，并希望亲自出席审查会议。鉴于语言沟通的需要，我请求安排一名中文口译员。

Document No. 5

Analysis of false advertising behavior and liability

Advertising comes in many forms—big and small, overt and covert. One common method is telemarketing, where representatives call potential customers to promote services. I believe the individual who contacted the plaintiff, claiming to represent Healthfirst, Inc., was not an official employee of your company. However, this person was likely compensated for each customer they brought in. Without such incentives, they wouldn't spend time cold-calling households to promote Healthfirst's comprehensive dental implant coverage.

The plaintiff was convinced by this telemarketer's promises and confidently informed their dentist that they had enrolled in a comprehensive service plan, which included full coverage for dental implants. Additionally, in early 2024, your correspondence mentioned that dental implants would only require the patient's doctor's approval. This statement also serves as a form of advertisement, aimed at informing members about benefits that other insurance companies might not offer.

While advertising is generally beneficial to the public, misleading claims can harm consumers and lead to legal disputes. Therefore, the plaintiff believes that Healthfirst, Inc. should be held fully accountable for the issues raised in this lawsuit.

Dear Judge,

I am a low-income individual and cannot afford a lawyer. I have written my lawsuit on my own, and I am sure there may be some mistakes or parts that are not in proper legal form. If my filing does not meet the requirements, could you please point out the errors or explain them to me? This way, I can understand and make the necessary corrections. Alternatively, if you could take a few minutes to translate it for me using your phone, I would greatly appreciate it.

Thank you very much for your time and guidance.

Sincerely,

Boxun Liu

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尊敬的法官，

我是低收入者，请不起律师。我自己撰写了诉讼，我确信其中可能存在一些错误或不符合法律规定的部分。如果我的申请不符合要求，您能否指出错误或向我解释？这样我就能理解并做出必要的更正。或者，如果您能花几分钟用手机帮我翻译一下，我将不胜感激。

非常感谢您抽出时间和指导。

诚挚地，